

PDO20105.TXT

*4 that an E-ZPass from one car would be switched to
5 another car?*

6 A No, every car has their own E-ZPass.

7 Q Each car keeps their own E-ZPass?

8 A Yes.

*9 Q Is there any switching of E-ZPasses
10 between cars?*

11 A Not that I'm aware of.

*12 Q So there is a specific E-ZPass assigned
13 to each specific car?*

14 A Correct.

*15 Q Sergeant, were you working on November
16 28, 2003?*

17 A What day of the week was that?

18 Q That would be a Friday.

19 A No, I was off. It's my regular day off.

*20 Q And you don't have access to anyone
21 else's computer code, correct?*

22 A No.

*23 Q Sergeant, how often have you looked up a
24 case not involving your group in the IA-Pro log?*

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25 A *How often?*

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1 *Garland - Direct*

2 Q *Yes.*

3 A *I look at logs just about every day.*

4 Q *Do you look at logs that may involve*

5 investigations outside of your department?

6 A *Yes.*

7 *COMM. VINAL: Outside of Group 51?*

8 *MS. BAPTISTE: Yes.*

9 A *Yes.*

10 Q *Why do you do that?*

11 A *Well, for a few different reasons.*

12 *Curiosity. Sometimes, although the heading of the*

13 *log will say something, sometimes inside the log is*

14 *something else.*

15 *I look at a lot of logs every day, not*

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16 every day, but when I do log on, I look at the logs.

17 Q So if it's a case labeled "corruption,"

18 would you look at that case log?

19 A Yes.

20 Q Have you ever looked up information

21 involving Detective Vasquez?

22 A Yes.

23 Q On what date did you look up any

24 information involving Detective Vasquez?

25 A I don't remember the exact date.

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1 Garland - Direct

2 Q But you know you were not working on

3 November 28th; is that correct?

4 A Correct, I wasn't working that day.

5 Q When you looked at that case involving

6 Vasquez, did you –

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7 *COMM. VINAL: The log, correct?*

8 *THE WITNESS: Yes.*

9 *COMM. VINAL: Is that what you are*
10 *accessing, a log?*

11 *THE WITNESS: Yes.*

12 *COMM. VINAL: Just for the record.*

13 *THE WITNESS: Yes.*

14 *Q Did you also look up Vasquez and Rachko?*

15 *A Whatever was in the log, I read.*

16 *Q When you did those things, whose*
17 *computer code did you use?*

18 *A I used my own code.*

19 *Q Was there ever a time when you asked*
20 *Detective Dones to use his code to look up that*
21 *information?*

22 *A No.*

23 *Q Was there a time that Detective Dones*
24 *was on the computer and you, while he was on the*
25 *computer, used the computer to look up that*

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19 Q *And Minaya was with you that night?*

20 A *Yes.*

21 Q *And Dones?*

22 A *Yes.*

23 Q *And Clohessy?*

24 A *Yes.*

25 Q *Okay.*

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1 *Garland - Cross*

2 *And it is true, Sergeant, is it not,*

3 *that there came a time, while you were there that*

4 *night, when you learned about this Queens drug*

5 *rip-off by Vasquez and Rachko, correct?*

6 A *Yes.*

7 Q *And you learned about that while you*

8 *were in the 1st Precinct, correct?*

9 A *I don't know if I was in the 1st*

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10 Precinct at that time.

11 Sometime that night I learned about it,

12 yes.

13 Q Okay.

14 And you learned that members of the

15 service were involved, correct?

16 A Correct.

17 Q And that information was discussed among

18 the members of your team, correct?

19 A Yes.

20 Q And there was no attempt to hide that

21 information, was there?

22 A No.

23 Q There was no attempt to indicate that

24 that was confidential information, was there?

25 A No.

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1 *Garland - Cross*

2 *Q As a matter of fact, at some point*
3 *during that night, you understood that Rachko and*
4 *Vasquez had been arrested; isn't that true?*

5 *A I don't know if I knew Vasquez was*
6 *arrested. I knew Rachko had been arrested.*

7 *Q You knew Vasquez had been with him,*
8 *right?*

9 *A I'm sorry?*

10 *Q You knew that Vasquez was also part of*
11 *that investigation?*

12 *A Yes.*

13 *Q That matter was freely and openly*
14 *discussed with the members of your team in the 1st*
15 *Precinct?*

16 *A Yes.*

17 *Q It was discussed in the squad room,*
18 *correct?*

19 *A It was discussed that night. I don't*
20 *know if it was exactly in the squad room.*

21 *Q It was openly discussed?*

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22 A Yes.

23 Q *Nothing confidential, hidden, about it?*

24 A No.

25 Q *Did there ever come a time when you*

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1 *Garland - Cross*

2 *discussed that information with Detective Dones, when*

3 *he indicated to you that he knew Vasquez?*

4 A Yes.

5 Q Okay.

6 *Tell the Court what transpired, what*

7 *Detective Dones said to you, and how he said it to*

8 *you, how it came out that he said it to you.*

9 A Well, we mentioned the guy's name,

10 *Vasquez, and I think Detective Dones said Julio.*

11 *I said, "I think that's his name." He*

12 *said, "I know him. I used to work with him." He*

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13 said, I think, "He broke me in."

14 Q He came out and said that to you

15 spontaneously?

16 A Yes.

17 Q You didn't ask him?

18 A No.

19 Q He volunteered?

20 A Yes.

21 Q Was there any attempt on his part to

22 hide his association with Vasquez?

23 A No.

24 Q Now, during the course of that evening

25 when you discussed this matter, you learned that it

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1 Garland - Cross

2 was a police impersonation case, correct?

3 A Yes.

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16 taken off, anyone in any other automobile can use

17 that E-ZPass?

18 A Yes.

19 Q Merely because it was used at a specific

20 time, there is no guarantee that the automobile that

21 was used with it was 169; isn't that true?

22 A I guess you could say that's correct.

23 Q Okay.

24 Now, you said that you access IA-Pro and

25 look at logs every day, correct?

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1 Garland - Cross

2 A Yes.

3 Q Almost every day?

4 A Yes.

5 Q You do that to acquaint yourself with

6 what is going on in IAB world?

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7 A Yes.

8 Q *That is information you want to know, as*
9 *an investigator?*

10 A Yes.

11 Q *You look at all logs that are available*
12 *to you?*

13 A *I have access to all logs.*

14 Q *It would be nothing for you to look at a*
15 *C log, as well as a misconduct log, would it?*

16 A Yes.

17 Q *Okay.*

18 *Let me ask you this.*

19 *With respect to the accessing of the*
20 *logs, do you know whether or not the IA-Pro program*
21 *is one that has to be logged out of in order to log*
22 *off of it; or does it automatically kick you out*
23 *after a certain period of time?*

24 A *I don't know if it kicks you out after a*
25 *certain amount of time. I don't believe it does.*

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1 *Garland - Cross*

2 Q *Okay.*

3 *If you log onto IA-Pro, and then forget*
4 *to log off, IA-Pro would be accessible on that*
5 *machine for as long as that machine is operating,*
6 *until someone logs it off, correct?*

7 A *Yes, that's correct. As far as I know,*
8 *that's correct.*

9 Q *Okay.*

10 *Sergeant, isn't it true that there are*
11 *times when, for whatever reason, members of the*
12 *group, Group 51, forget to log off of IA-Pro, and*
13 *IA-Pro stays on their machine?*

14 A *Yes.*

15 Q *And when that occurs, anyone in Group 51*
16 *can walk over to a particular machine where IA-Pro is*
17 *up and access logs through IA-Pro, correct?*

18 A *Yes.*

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19 *Q* *And when they access IA-Pro through that*
20 *particular machine, when you run a printout of that*
21 *particular log, it would show that it was accessed*
22 *under a particular Detective's ID, even if that*
23 *Detective was not actually the one who was accessing*
24 *the log; isn't that true?*

25 *A* *You lost me.*

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1 *Garland - Cross*

2 *Q* *A convoluted question?*

3 *A* *Yes.*

4 *Q* *I want you to assume that a Detective*
5 *has logged onto IA-Pro and has failed to log off.*

6 *A* *Yes.*

7 *Q* *He has left the command.*

8 *A* *Okay.*

9 *Q* *He has left his computer on, and IA-Pro*

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10 is still up.

11 A Okay.

12 Q Isn't it a fact, if another Detective

13 were to walk over to that computer, and access a log,

14 he would have no problem doing that?

15 A Correct.

16 Q Isn't it also true, under those

17 circumstances, if a printout was run of who accessed

18 that log, it would show the ID of the Detective who

19 failed to log out?

20 A Yes.

21 Q And there would be no way of knowing

22 that it was another Detective who actually did that

23 access; isn't that true?

24 A Correct.

25 Q All you would have is the ID who logged

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1 *Garland - Cross*

2 *on originally and forgot to log off?*

3 *A Yes.*

4 *Q You did not work on November 28th,*

5 *correct?*

6 *A That was a Friday?*

7 *Q Yes.*

8 *A Yes, I was off.*

9 *Q Okay.*

10 *MR. KARASYK: I have no further*

11 *questions.*

12 *Thank you very much.*

13 *COMM. VINAL: Any Redirect?*

14 *MS. BAPTISTE: No further questions.*

15 *COMM. VINAL: There being no further*

16 *questions, you can step down.*

17 *You are excused.*

18 *{Witness excused.}*

19 *COMM. VINAL: The Department has another*

20 *witness to call?*

21 *MS. BAPTISTE: The Department calls*